

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

COMMISSIONERS

2007 SEP -7 A 9:05

DOCKETED

SEP -7 2007

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
GARY PIERCE

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

nr

IN THE MATTER OF THE APPLICATION OF
TRIPLET MOUNTAIN COMMUNICATIONS,
INC. FOR APPROVAL FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE RESOLD LONG DISTANCE AND
FACILITIES-BASED LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES IN
ARIZONA.

DOCKET NO. T-20487A-06-0714

PROCEDURAL ORDER

BY THE COMMISSION:

On November 8, 2006, Triplet Mountain Communications, Inc. ("Applicant") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance and facilities-based local exchange telecommunications services in the State of Arizona. The Applicant also petitioned the Commission to have its services be classified as competitive.

On February 28, 2007, the Commission's Utilities Division Staff ("Staff") filed a Letter of Insufficiency stating that the Applicant's application had not met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On March 30, 2007, the Applicant filed its response to Staff's First Set of Data Requests.

On July 24, 2007, Staff filed its Staff Report recommending approval of the Applicant's application and recommending that its proposed services be classified as competitive.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above application and petition of Applicant shall commence on **November 2, 2007 at 9:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

1 IT IS FURTHER ORDERED that the Applicant shall publish notice of its filing and the
 2 hearing, as stated below, in a newspaper(s) of general circulation in every county in Arizona in which
 3 the Applicant desires to provide service by **September 28, 2007**, and shall file Affidavits of
 4 Publication with the Commission no later than **October 17, 2007**.

5 **IN THE MATTER OF THE APPLICATION OF TRIPLET MOUNTAIN**
 6 **COMMUNICATIONS, INC. FOR APPROVAL FOR A CERTIFICATE OF**
 7 **CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LONG**
 8 **DISTANCE AND FACILITIES-BASED LOCAL EXCHANGE**
 9 **TELECOMMUNICATIONS SERVICES IN ARIZONA.**
 10 **(Docket No. T-20487A-06-0714)**

11 On November 8, 2006, Triplet Mountain Communications, Inc. ("Applicant")
 12 submitted to the Arizona Corporation Commission ("Commission") an application for
 13 a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance
 14 and facilities-based local exchange telecommunications services in the State of
 15 Arizona. The Commission's Utilities Division Staff ("Staff") has recommended
 16 approval of the Applicant's application. The Commission is not bound by the
 17 proposals made by the Applicant, Staff, or any intervenors, and the Applicant will be
 18 required to provide this service under the rates and charges and terms and conditions
 19 established by the Commission. Copies of the application, the Staff Report, and any
 20 written exceptions to the Staff Report filed by the Applicant are available at the
 21 Applicant's offices [insert address] and on the internet via the Commission website
 22 (www.azcc.gov) using the e-docket function.

23 The Commission will hold a hearing on this matter beginning **November 2, 2007, at**
 24 **9:00 a.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.
 25 Public comments will be taken on the first day of the hearing.

26 The law provides for an open public hearing at which, under appropriate
 27 circumstances, interested parties may intervene. Intervention shall be permitted to any
 28 person entitled by law to intervene and having a direct and substantial interest in the
 matter. Persons desiring to intervene must file a written motion to intervene with the
 Commission no later than **October 17, 2007**. The motion to intervene must be sent to
 the Applicant or its counsel and to all parties of record and must contain the following:

1. The name, address, and telephone number of the proposed intervenor
and of any party upon whom service of documents is to be made, if
different from the intervenor;
2. A short statement of the proposed intervenor's interest in the
proceeding (e.g., a customer of the Applicant, a shareholder of the
Applicant, etc.); and
3. A statement certifying that a copy of the motion to intervene has been
mailed to the Applicant or its counsel and to all parties of record in the
case.

29 The granting of intervention, among other things, entitles a party to present sworn
 30 evidence at the hearing and to cross-examine other witnesses. However, failure to
 31 intervene will not preclude any interested person or entity from appearing at the
 32 hearing and providing public comment on the application or from filing written
 33 comments in the record of the case. You will not receive any further notice of this
 34 proceeding unless you request it.

1 If you have any questions about this application, you may contact the Applicant at
2 **[insert telephone number]**. If you wish to file written comments on the application
3 or want further information on intervention, you may contact the Consumer Services
4 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007,
5 or call 1-800-222-7000.

6 The Commission does not discriminate on the basis of disability in admission to its
7 public meetings. Persons with a disability may request a reasonable accommodation
8 such as a sign language interpreter and may request this document in an alternative
9 format by contacting the Commission's ADA Coordinator, Linda Hogan, by e-mail at
10 LHogan@azcc.gov or by voice phone number at (602) 542-3931. Requests should be
11 made as early as possible to allow time to arrange the accommodation.

12 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
13 105, except that all motions to intervene must be filed on or before **October 17, 2007**.

14 IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or
15 before **October 24, 2007**.

16 IT IS FURTHER ORDERED that the Applicant and intervenors shall file specific
17 disagreements/comments, if any, regarding the application and Staff Report by **October 17, 2007**.

18 IT IS FURTHER ORDERED that all parties must comply with Rule 38 of the Rules of the
19 Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

20 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
21 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
22 Rules of the Arizona Supreme Court). Representation before the Commission includes appearing at
23 all hearings, procedural conferences, and Open Meetings at which the matter is scheduled for
24 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
25 Law Judge or the Commission.

26 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113—Unauthorized
27 Communications) applies to this proceeding and shall remain in effect until the Commission's
28 Decision in this matter is final and non-appealable.

...

...

...

...

1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 Dated this 7th day of September, 2007.

4
5 
6 SARAH N. HARPRING
7 ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 7th day of September, 2007 to:


10 Vernon R. James
11 TRIPLET MOUNTAIN COMMUNICATIONS, INC.
12 10 Telecom Lane
13 Peridot, AZ 85542

14 Karen Twenhafel
15 Sr. Regulatory Consultant
16 TELCOM CONSULTING ASSOCIATES
17 1465 Kelly Johnson Blvd., Suite 200
18 Colorado Springs, CO 80920

19 Christopher Kempley, Chief Counsel
20 Legal Division
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
23 Phoenix, AZ 85007

24 Ernest G. Johnson, Director
25 Utilities Division
26 ARIZONA CORPORATION COMMISSION
27 1200 West Washington
28 Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Sarah N. Harpring